



Jeffrey C. Riley
Commissioner

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MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeffrey C. Riley, Commissioner
Date: June 11, 2021
Subject: Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 (Modification due to COVID-19 Pandemic)

At the April 20, 2021 meeting, the Board of Elementary and Secondary Education (Board) voted to solicit public comment on a proposed amendment to 603 CMR 2.00: *Accountability and Assistance for School Districts and Schools*. At the June 22 meeting, I will recommend that the Board take a final vote to approve the amendment to the regulations, as presented below.

The memorandum to you dated [April 9, 2021](#) includes the rationale for the proposed amendment. In brief, the proposed amendment would allow the Department of Elementary and Secondary Education (Department) to refrain from issuing new accountability determinations for districts and schools for school year 2020-2021. Instead, the Department will use each district's and school's most recent accountability determinations (from 2019), to ensure they continue to receive support as needed. The Department will resume its regular annual accountability reporting practices following the 2021-2022 school year.

Below, I am providing a summary of the public comment the Department received, as well as a summary of the discussion with the Board's Accountability and Assistance Advisory Council (AAAC).

Public Comment

The Department received one written comment during the public comment period, a copy of which is attached to this memorandum. The comment did not directly address the proposed amendment to the regulations; it asked about the criteria used to determine whether underperforming schools and districts and those that are identified as requiring assistance or intervention may exit those designations. No change was made to the proposed amendment as a result of this comment. The exit criteria for underperforming districts and schools are already included in the regulations,¹ and a summary of the accountability system is [available on the Department's website](#).

¹ Exit criteria for underperforming schools and districts are described in 603 CMR 2.05 (10) and (12). Exit criteria for chronically underperforming schools and districts are described in 603 CMR 2.06 (10) and (12).

AAAC Discussion

The AAAC discussed the proposed amendment to the accountability regulations on May 12, 2021. In general, council members signaled their support for the change, given the variability and challenges that districts and schools faced this year as a result of the COVID-19 pandemic. Council members also encouraged the Department to learn from the data that have been collected this year and to consider carefully how data are used for research and decision-making purposes.

I recommend that the Board vote on June 22 to adopt the amendment to 603 CMR 2.00 as presented. A redlined copy of the proposed change to the regulations is attached, along with a motion.

Enclosures:

- Proposed Amendment to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 — strikethrough version (redlined version)
- Public Comment Received
- Motion

603 CMR 2.00: Accountability and Assistance for School Districts and Schools **Proposed Amendment to 603 CMR 2.03, adding 2.03(11)**

Presented to the Board of Elementary and Secondary Education for initial action: 4/20/21

Period of public comment: through 5/28/21

Final action by the Board of Elementary and Secondary Education anticipated: 6/22/21

The proposed amendment is indicated by underline (new language) in 603 CMR 2.03(11).

For the complete text of the current regulations, 603 CMR 2.00, see:

[603 CMR 2.00: Accountability and Assistance for School Districts and Schools](#)

2.01: Scope and Purpose

...

2.02: Definitions

...

2.03: Accountability and Assistance for All Districts and Schools

(1) **Framework for district and school accountability and assistance** The Department shall implement a system for district and school accountability and assistance, approved by the Board and known as the framework for district and school accountability and assistance, for the purpose of improving student performance. Both the priority for assistance and the degree of intervention shall increase as the severity and duration of low performance increase. Under the framework, districts shall hold their schools accountable for educating their students well and assist them in doing so; the Department shall hold districts accountable for both of these functions and assist them in fulfilling them.

(2) **Reported measures** Each year, the Department will report:

- (a) An accountability percentile, representing each school's overall relative standing compared to other schools in the state;
- (b) A criterion-referenced measure of performance against targets, set by the Department, for each accountability indicator, for:
 1. Each district or school as a whole, by using data from all students in the district or school and data from the lowest performing students in each district or school; and
 2. Each subgroup for which there is sufficient data;
- (c) A subgroup percentile, representing each subgroup's relative standing compared to like subgroups in other schools statewide;
- (d) For each district, school, and subgroup that meets the minimum group size requirement for reporting:
 1. Assessment participation rates; and
 2. Whether the district, school, or subgroup met the participation rate requirements established by the Department;
- (e) Information related to each school's need for required assistance or intervention; and

- (f) Information related to schools that demonstrate exemplary performance, as determined by the commissioner.

(3) Annual performance determinations Each year, the Department will issue annual performance determinations for all public districts and schools, using the framework developed by the Department and approved by the Board.

(a) Annual performance determinations for districts include:

1. Districts in need of required assistance or intervention, for districts that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(1) or designated chronically underperforming according to 603 CMR 2.06(1);
 - b. Are in need of focused or targeted support due to:
 - i. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - ii. Low assessment participation rates, as defined by framework for district and school accountability and assistance.
2. Districts not requiring assistance or intervention, for districts that do not meet any of the criteria in 603 CMR 2.03(3)(a)(1). Annual performance determinations for districts not requiring assistance or intervention will be reported as the degree to which each district has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)(1).

(b) Annual performance determinations for schools include:

1. Schools in need of required assistance or intervention, for schools that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(2) or designated chronically underperforming according to 603 CMR 2.06(2);
 - b. Are in need of focused or targeted support due to:
 - i. Their placement among the lowest performing 10 percent of schools statewide, based on the accountability percentile described in 603 CMR 2.03(2)(a);
 - ii. The presence of one or more low performing subgroups, using the relative measure described in 603 CMR 2.03(2)(c);
 - iii. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - iv. Low assessment participation rates, as defined by the framework for district and school accountability and assistance.
2. Schools not requiring assistance or intervention, for schools that do not meet any of the criteria in 603 CMR 2.03(3)(b)(1). Annual performance determinations for schools not requiring assistance or intervention will be reported as the degree to which each school has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)(1).

(4) District reviews The Department may conduct a district review, encompassing the district and its schools, of any district.

(5) **District Analysis and Review Tool** The Department shall provide the District Analysis and Review Tool to every district, including multiple data elements, giving schools the capability of comparing themselves with similar schools or other schools of their choice, and giving districts the capability of comparing themselves with similar districts or other districts of their choice.

(6) **District standards and indicators**

- (a) District reviews, improvement planning, and other forms of accountability and assistance shall be based on standards of effective policy and practice in:
 - 1. Leadership and governance;
 - 2. Curriculum and instruction;
 - 3. Assessment;
 - 4. Human resources and professional development;
 - 5. Student support; and
 - 6. Financial and asset management.
- (b) The Department shall publish a detailed version of the standards and associated indicators, which shall be informed by research-based practices identified as characteristic of schools that have experienced rapid improvements in student outcomes.

(7) **District improvement planning** Every district shall develop and implement an annual self-evaluation and district improvement planning process.

- (a) The district's self-evaluation and planning process shall result, every three years, in a comprehensive written three-year District Improvement Plan to improve the performance of the district and its schools.
- (b) Each year, every school shall adopt school performance goals and develop and implement a written School Improvement Plan to advance those goals and improve student performance. The School Improvement Plan shall be aligned with the District Improvement Plan.
- (c) A district's District Improvement Plan and School Improvement Plans shall be based on an analysis of data, including but not limited to data on student performance and the District Analysis and Review Tool provided by the Department under 603 CMR 2.03(5), and an assessment of actions the district and its schools must take to improve that performance.
- (d) District Improvement Plans and School Improvement Plans shall, in form and content, conform to requirements set forth in M.G.L. c. 69, § 1I.

(8) **Assistance from the Department**

- (a) The Department shall make available a variety of forms of assistance, such as examples, tools, templates, protocols, and surveys to assist districts and schools in assessing themselves and improving student performance.
- (b) The Department shall also make available to districts, to the extent funding allows, professional development opportunities and assistance from Department staff members, Department contractors, or third party partners. Priority for receiving professional development or assistance, as well as the degree of intervention by the Department, shall

be based on the annual performance determination by the Department of the district or one or more of its schools.

(9) **Annual Report to Board** The Department shall report annually to the Board on district and school accountability results.

(10) **Notice and Consultation** The Department shall solicit public comment on proposed changes to the framework for district and school accountability and assistance, including changes to the indicators or the weighting of indicators in the framework. After considering the public comment, the commissioner will forward a recommendation for any proposed changes to the Board for approval.

(11) Commissioner's authority to refrain from issuing annual performance determinations for districts and schools The Commissioner may, for good cause arising from the state of emergency due to the COVID-19 pandemic, direct the Department in the fall of 2021 to refrain from issuing any or all of the reported measures and annual performance determinations for school year 2020-2021, as described in 603 CMR 2.03 (2) – (3). The Commissioner may direct that schools and districts maintain their most recent accountability determinations for an additional year.

Board of Elementary and Secondary Education Meeting: June 22, 2021
Agenda Item: Amendment to Regulations on Accountability and Assistance
for Schools and Districts (Modification to 603 CMR 2.03)

MOVED: that the Board of Elementary and Secondary Education, in accordance with M.G.L. c. 69, §§ 1B and 1I and having solicited comment in accordance with the Administrative Procedure Act, G.L. c. 30A, § 3, hereby adopts the amendment to the Regulations on Accountability and Assistance for Schools and Districts, 603 CMR 2.00, as presented by the Commissioner.

The proposed amendment updates the regulations in response to the COVID-19 pandemic by adding a new section 603 CMR 2.03(11), allowing the Department of Elementary and Secondary Education to refrain from issuing new accountability determinations for districts and schools for school year 2020-2021.